

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DUSTIN JOHNSON,

Petitioner,

ORDER

v.

07-cv-0674-bbc

PETER HUIBREGTSE, Warden,  
Wisconsin Secure Program Facility,

Respondent.

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This is a habeas corpus proceeding pursuant to 28 U.S.C. § 2254. On March 14, 2008, the court entered an order directing respondent to file an answer to the petition no later than April 1, 2008 and petitioner to file a reply no later than April 15, 2008. In his answer, respondent asserts that the petition must be dismissed, either because it is a “mixed” petition containing an unexhausted claim, or because it has no merit. Petitioner has filed a response in which he denies that the petition is mixed. In addition, he objects to the dismissal of the petition on the merits, asserting that he has “not been given a full and fair opportunity” to present his claims to the court. He asks for time to file a memorandum in support of his claims.

Although petitioner should have addressed the merits of his claims fully in his reply to respondent's answer, I will grant his request for supplemental briefing. Petitioner has until May 9, 2008 in which to file a memorandum addressing the merits of his claims. When drafting his memorandum, petitioner should keep in mind that this court cannot grant habeas relief unless the state court decided petitioner's claims in a manner that was contrary to or involved an unreasonable application of clearly established federal law as determined by the United States Supreme Court, or that was based upon an unreasonable determination of the facts. 28 U.S.C. § 2254(d).

Entered this 22<sup>nd</sup> day of April, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge